

**\*E-FILED 6/9/06\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOHN GORMAN,

NO. C 04-04507 JW (RS)

Plaintiff,

**ORDER DENYING MOTION TO  
QUASH**

v.

WOLPOFF & ABRAMSON, L.L.P., et al.,

Defendants.

Before the Court is plaintiff's motion to quash or modify a subpoena duces tecum that defendants caused to be issued to non-party Wells Fargo Home Mortgage. The Court finds this matter suitable for disposition without oral argument, pursuant to Local Rule 7-1 (b).

The motion is DENIED. The subpoena was issued by the United States District Court for the Southern District of Iowa. Generally, challenges to a subpoena are to be made in the court of issuance. Fed. R. Civ. Proc. 45 (c)(3)(A). Furthermore, defendants have, in effect, withdrawn the subpoena, by returning to Wells Fargo the materials produced thereunder, without retaining any copies, thereby rendering the motion moot. There is no basis for ordering the relief plaintiff appears to be requesting in his reply brief, which would, in effect, revive the subpoena in a more limited form, and require Wells Fargo to produce the documents again. Defendants have disclaimed any interest in obtaining the documents. If plaintiff wishes to obtain the documents, there appears to be

1 no barrier to him doing so through other means.

2  
3 Dated: June 9, 2006

  
RICHARD SEEBORG  
United States Magistrate Judge

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**United States District Court**  
For the Northern District of California

ORDER DENYING MOTION TO QUASH  
C 04-04507 JW (RS)

**THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:**

John C. Gorman jgorman@gormanmiller.com

Craig Alan Hansen chansen@gormanmiller.com

Tomio B. Narita tnarita@wsnlaw.com,

Jeffrey A. Topor jtopor@wsnlaw.com,

Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the Court's CM/ECF program.

**Dated: June 9, 2006**

**Chambers of Judge Richard Seeborg**

**By: /s/ BAK**